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February 3, 2022

By ECF—2 Pages

Hon. John G. Koeltl, U.S. District Judge
United States District Court, SDNY
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *Altaune Brown v. Madison Liquor Inc. and Lucky of 195 Madison Street Roofing and Contracting Inc.*, Case No. 1:21-cv-8694-GJK
Request for a 31-day adjournment to March 7, 2022 of OSC deadline
Original date: February 4, 2022
Number of previous requests: None
Adversary has consented to a 30-day extension of time (which falls on a Sunday)
Affects only plaintiff's 2/10/22 deadline to reply

Your Honor:

We represent the defendant Madison Liquor Inc. only ("Defendant") and write pursuant to Your Honor's Individual Practice Rule I(E) to request a 31-day adjournment to March 7, 2022 of Defendant's deadline to respond to the Court's Order To Show Cause for Entry of a Default Judgment (ECF #14). Plaintiff's counsel has consented to a 30-day extension of time, which falls on a Sunday, and therefore Defendant asks for an additional day until Monday, March 7, 2022.

We were just retained by Defendant yesterday, February 2, 2022. Service of the Summons and Complaint was made on the New York Secretary of State on November 10, 2021. Although service is effective on the date the Summons and Complaint are delivered to the Secretary of State's office, that office confirmed to the undersigned today that it did not mail the process to Defendant until January 15, 2022—3 days after the Clerk entered a certificate of Defendant's default.

The parties are discussing settlement and believe that the additional time will allow them to conclude their settlement discussions and avoid the need for Defendant to make a motion to vacate the default, as well as further litigation.

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Tomorrow, February 4, 2022, is Defendant's deadline to respond to the OSC for Entry of a Default Judgment. There have been no prior requests for an adjournment of the OSC. Plaintiff's attorney has consented to a 30-day extension of time to Sunday, March 6, 2022, and Defendant has requested an additional day to the following Monday, March 7, 2022. The requested adjournment affects the February 10, 2022 deadline for plaintiff to reply, which should be extended to a date set by the Court. The undersigned could not have asked for an adjournment sooner because they were only retained yesterday, after a delayed receipt by Defendant of the OSC papers.

Thank you.

Respectfully submitted,

s/ Carolyn Shields

Carolyn Shields

cc by ECF to:

Mr. Bradley G. Marks, Esq.
The Marks Law Firm
Attorney for Plaintiff